

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BERNADINE GRIFFITH et al.,

Plaintiffs,

v.

TIKTOK, INC. et al.,

Defendants.

Case No. 5:23-cv-00964-SB-E

ORDER DENYING MOTION TO
CONTINUE DEADLINES [DKT.
NO. 243]

The Court entered a case management order (CMO) in this case more than a year ago, on September 8, 2023. Dkt. No. 40. The CMO set a trial date of September 30, 2024 and cautioned the parties that its deadlines would not be continued absent a timely showing of good cause. In January 2024, the Court continued the deadlines in the CMO by approximately two months, setting trial on November 25, 2024. Dkt. No. 85. The Court cautioned that “[t]he parties should not expect any further extensions of these deadlines absent a showing of good cause.” *Id.* at 2.

In April 2024, Plaintiffs sought a further extension of approximately three months, claiming that Defendants’ delays in producing discovery necessitated more time to prepare to move for class certification. Dkt. No. 134. The Court noted that “both sides appear to have been diligently working to zealously advocate for their clients” and that, in connection with their numerous discovery disputes, “while there are some indications of overreaching by Plaintiffs and of noncompliance by Defendants, there are also some indications of reasonable cooperation and professionalism.” Dkt. No. 142. Rather than assigning blame, the Court partially granted Plaintiffs’ request, allowing an additional two months (resetting trial to January 20, 2025) and encouraging the parties to cooperate. The Court directed the parties to proceed with diligence and warned that they “*should not expect any further continuances.*” *Id.* at 3 (emphasis in original).

On September 9, the Court denied Plaintiffs' motion for class certification. Dkt. No. 242. Two days later, Plaintiffs filed a motion to continue the remaining deadlines in the CMO by approximately five months. Dkt. No. 243; *see also* Dkt. No. 245-1 (unredacted motion). Plaintiffs claim that the extension is necessary because Defendants produced the vast majority of their discovery toward the end of the discovery period—which Plaintiffs contend violated an agreement between the parties. Plaintiffs represent that Defendants dispute Plaintiffs' characterization of their conduct but are unopposed to the relief sought. The Court finds this matter suitable for decision without oral argument and vacates the October 11 motion hearing. Fed. R. Civ. P. 78; L.R. 7-15.

Plaintiffs have not shown good cause to continue the deadlines in the CMO yet again—let alone by five months. The Court has denied class certification, and it appears from the record presented in connection with that motion that Plaintiffs lack evidence of any information collected by Defendants from the named plaintiffs. Plaintiffs have not shown that identifying any such information, if it exists, in the discovery they have received cannot be completed within the time allowed through the exercise of diligence, or that they could not have obtained whatever plaintiff-specific evidence exists sooner through the exercise of diligence. Nor is it otherwise apparent why the claims of the four remaining named plaintiffs cannot be ready to proceed to trial in January 2025—approximately 20 months after this case was filed—if they are not otherwise resolved before then. The additional five months of work proposed by Plaintiffs, including re-deposing previously deposed witnesses and incorporating new evidence into multiple expert reports, appears disproportionate to the individual claims in this case (or at least has not been properly explained). In any event, on this record, especially given the Court's two prior extensions and its warning that the parties should not expect any further continuances, Plaintiffs have not shown good cause for the extension they seek. Absent a stronger justification for the requested continuance, the motion is denied.

Date: September 12, 2024



Stanley Blumenfeld, Jr.
United States District Judge